

DEVIN DERHAM-BURK #104353
CHAPTER 13 STANDING TRUSTEE
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Trustee for Debtor(s)

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA - DIVISION 5

In re:
MUZYEN M ABDULKADIR
Debtor(s))
Chapter 13
Case No. 19-51216 MEH
TRUSTEE'S OBJECTION TO
CONFIRMATION WITH CERTIFICATE OF
SERVICE
341 Meeting Date: JULY 29, 2019 @ 9:30 AM
Initial Confirmation Hearing Date: AUGUST 16,
2019
Initial Confirmation Hearing Time: 11:00 AM
Place: 280 S 1st Street #11 (#3020)
San Jose, CA 95113
Judge: M. Elaine Hammond

Devin Derham-Burk, Trustee in the above matter, objects to the Confirmation of this Plan for the following reasons:

1. Paragraph two of Additional Provisions Section 7.01 (For Sections 2.1 / 2.2 and 3.7 of the Plan) (sic) states in part: “The Debtor’s plan is a “conduit” plan with regard to the mortgage / lienholder (CAM XVI Trust) for the ongoing regular mortgage payments. Accordingly, the Chapter 13 Trustee shall make payments on these Class 3 claims until the sale of Property is complete.” Debtor lists Cam XVI Trust/265 Beegum Way, San Jose, CA 95123 under Section 3.07 of the Plan as a Class 1 creditor. Trustee requests Debtor amend the language in Paragraph two of Additional Provisions to state: “The

1 Debtor's plan is a "conduit" plan with regard to the mortgage / lienholder (CAM XVI
2 Trust) for the ongoing regular mortgage payments. Accordingly, the Chapter 13 Trustee
3 shall make payments on these Class 1 claims until the sale of Property is complete."

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5 2. The proposed Chapter 13 Plan contains Additional Provisions. Until these provisions are
6 approved by the court, the Trustee is unable to recommend confirmation.

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8 3. The Debtor has failed to comply with 11 U.S.C. §1325(a)(5). Toyota Motor Credit
9 account #xxx9280 is listed on Schedule D filed on June 13, 2019 [docket #1] as Secured
10 for a 2013 Toyota Corolla Sedan however; the creditor has been omitted from the
11 Chapter 13 Plan.

12

13 4. Debtor has listed T-Mobile USA Inc account #xxx7380 on Schedule E/F with an
14 'unknown' claim amount. In order for the Trustee to verify the Debtor is not in violation
15 of 11 U.S.C. §109(e), an Amended Schedule E/F must be filed to list a claim amount for
16 T-Mobile USA Inc account #xxx7380.

17

18 5. The Trustee is unable to determine if the plan is in compliance with 11 U.S.C.
19 §1325(a)(4). The Trustee has filed an Objection to Debtor's Claim of Exemptions which
20 must be resolved prior to the Trustee recommending confirmation. If the objection to
21 exemption is not resolved within sixty (60) days, a hearing will be set pursuant to B.L.R.
22 9014-1(c)(1).

23

24 Dated: July 23, 2019

/S/ Devin Derham-Burk

25 Chapter 13 Trustee

CERTIFICATE OF SERVICE BY MAIL

I declare that I am over the age of 18 years, not a party to the within cause; my business address is 983 University Ave. C-100, Los Gatos, California 95032. I served a copy of the within Trustee's Objection to Confirmation by placing same in an envelope in the U.S. Mail at Los Gatos, California on July 23, 2019.

Said envelopes were addressed as follows:

MUZYEN M ABDULKADIR
P O BOX 28865
SAN JOSE, CA 95159

FARSAD LAW OFFICES PC
1625 THE ALAMEDA #525
SAN JOSE, CA 95126

/S/ Erin Chew
Office of Devin Derham-Burk, Trustee